

Agenda Item	
A-1	No one wished to be heard during the Open Comment Period.
B-1	President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki, Walter Stobaugh. Absent: None. Also present: Mayor Ardell F. Brede.
D1&2, 5-25, 27-31	Councilmembers Stobaugh moved, Means seconded, to approve the following consent agenda items.
D-1	There were no minutes for approval.
D-2	Approved the reorganization at the Recreation Center for the position of Equipment Operator to Assistant Manager.
D-3	See at end of D items.
D-4	See at end of D items.
D-5	Adopted Resolution No. 217-04 approving the Orderly Annexation Agreement with Cascade Township relating to approximately 16 Township areas that had become surrounded by the City of Rochester.
D-6	Adopted Resolution No. 218-04 approving the Orderly Annexation Agreement with Cascade Township for approximately 450 acres of land north of Valleyhigh Road N.W. and west of 50 <sup>th</sup> Avenue N.W.
D-7	Adopted Resolution No. 219-04 approving the MHFA's Qualified Allocation Plan and an MHFA Housing Tax Credit Administration Joint Powers Agreement for 2005.
D-8	Adopted Resolution No. 220-04 entering into a contract with Cal Walker Parking for a parking system assessment for the downtown area at a cost not to exceed \$1,500 plus expenses.
D-9	Adopted Resolution No. 221-04 advertising for bids for a new all-wheel drive, rear engine/cab forward design, high speed runway broom truck for the Rochester International Airport.
D-10	Adopted Resolution No. 222-04 authorizing the Mayor and City Clerk to sign Change Order #1 with Progressive Contractors, Inc. for Project No. J-6911 "Runway 02-20 Pavement Repair and Taxiway A4 and A5 Removal Project for the Rochester International Airport" in the amount of \$281,542.25.
D-11	<p>Approved the following licenses and miscellaneous activities:</p> <p><u>Dance</u> Alfredo Flores, Red Wing – Graham Arena West – May 28, 2004.</p>

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Fireworks – Display

Century High School – Foster Arends Park – Century High School Choirs –  
June 2, 2004 – 10:30 PM

Gambling – Premise Permit

Olmsted County Hockey Association at West Fire Grill, 2043 Superior Drive  
N.W.

Gambling – Off-Site Premise Permit

Fraternal Order of Eagles – Gambling for Pool Tournament – Graham Arena  
– September 30, 2004.

Heating, Ventilating, Air-Condition Contractor

Quality Refrigeration, Richfield, Minnesota

House Moving

Advanced Building Movers – moving houses from 866 Third Avenue SE to  
Grand Meadow and from 855 Fourth Avenue SE to Fillmore County.

Master Installer

Robert Forder, Savage  
Thomas Petersen, Byron

Sidewalks – Cement

Walnut Grove Construction LLC, Lime Springs, Iowa  
Ramsey-Erdmann Construction LLC, Rochester

Sound Amplification

Diversity Council – Press Conference/Rally – Peace Plaza – May 26, 2004  
– 12 Noon to 1:00 PM

Marquis Hospitality Group – 150<sup>th</sup> City Anniversary Celebration Party –  
Chateau Theatre Parking Lot – June 14, 2004 – 6:00 to 10:00 PM

Lourdes Foundation – Alumni Gathering – 621 West Center Street – June  
26, 2004 - 12 Noon to 3:00 PM

SE Minnesota Alliance of Peacemakers – Pastor's for Peace Rally – Peace  
Plaza – June 25, 2004 – 4:00 to 6:00 PM

Miscellaneous Activities

Glendale Neighborhood Association – Flag Day Kiddie Parade – June 14,  
2004, 6:30 to 7:30 PM

Rochester Track Club – Women's Running Race – Silver Lake Park – July  
24, 2004 – 8:30 to 9:30 AM

Chipotle Mexican Grill of Colorado – Red Ribbon Ride through Rochester –  
July 16, 2004 from 12 Noon to 7:00 PM and July 17, 2004 from 6:30 to 9:30 AM

Lourdes Foundation – Alumni Gathering – 621 West Center Street – June  
26, 2004 - 12 Noon to 3:00 PM

Ronald McDonald House – 5K Run/3K Walk – June 18, 2004

Rochester Area Crop Walk – Raise Money for Hunger – October 10, 2004.

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D-12	Approved the On-Sale Intoxicating and Sunday Liquor Licenses for Phnom Penh Bar and Grill located at 1647 South Broadway.
D-13	Approved the On-Sale Intoxicating Exclusive and Sunday Liquor Licenses for 3DE and Beyond, Inc. DBA Ultra Lounge at 321 First Avenue S.W.
D-14	Approved the required permits and licenses for the Rochesterfest Activities from June 19 through June 26, 2004.
D-15	Adopted Resolution No. 223-04 approving the Street Closing, Meters Bagged and Miscellaneous Parking Restrictions during the Rochesterfest festival from June 19 through June 26, 2004.
D-16	Approved Accounts Payable in the amount of \$4,194,773.43 and Investment Purchases of \$3,001,167.75.
D-17	Adopted Resolution No. 224-04 approving the sale of the 1996 model Mobile Fire Safety House to the City of Owatonna for \$10,000.00.
D-18	Adopted Resolution No. 225-04 approving an agreement between the City of Rochester and Olmsted County for Law Enforcement Testing.
D-19	Adopted Resolution No. 226-04 approving the Wetland Delineation and Replacement Plan for Summit Pointe 4 <sup>th</sup> .
D-20	Adopted Resolution No. 227-04 determining that the development known as Pebble Creek does not have the potential for significant environmental effects and that preparation of an Environmental Impact Statement is not mandated in this instance.
D-21	Adopted Resolution No. 228-04 approving rate increases for 2004 Parking Ramp rate changes effective July 1, 2004, as noted in Tables I, II and III in the Request for Council Action dated May 17, 2004.
D-22	<p>Adopted Resolution No. 229-04 amending the "Comprehensive Parking and Traffic Resolution Book" as follows:</p> <p style="padding-left: 40px;">Delete Paragraph 2 of Section H, Zone C – 30 Minute Parking ( 100 block East Center Street)</p> <p style="padding-left: 40px;">Amend Paragraph 7 Section I, Zone C – 30 Minute Meters to read as follows: "East Center Street in the 100 block on the north side from about mid-block east".</p> <p style="padding-left: 40px;">Add Paragraph 8.1 Section I, Zone E – 90 Minute Meters to read as follows: "East Center Street in the 100 block on the south side from 1<sup>st</sup> Avenue to Civic Center Drive".</p> <p style="padding-left: 40px;">Delete Paragraph 7 of Section H, Zone C – 30 Minute Parking (1<sup>st</sup> Street SE)</p> <p style="padding-left: 40px;">Add Paragraph 8 Section I, Zone C – 30 Minute Parking so as to read as follows: "First Street SE 10 block, north side from the alley east to 1<sup>st</sup> Avenue SE and on the south side from Broadway to 1<sup>st</sup> Avenue SE except for the designated</p>

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	<p>mail drop off area".</p> <p>Amend Paragraph 14 Section E, Passenger Loading Areas so as to read as follows: "First Street SE 10 block, north side from Broadway to the alley – 15 minute at all times".</p> <p>Add Paragraph 9.1 to Section I Zone E – 90 Minute Parking to read as follows: "1<sup>st</sup> Avenue SE in the 400 block on the west side from 4<sup>th</sup> Street to the entrance to the Mayo Clinic employee lot spaces number 106-0, 106-01, 106-02, 106-04, 106-05".</p> <p>Amend Paragraph 4.1 Section Zone J – 10 Hour Meters to read as follows: "1<sup>st</sup> Avenue SE in the 400 block on the east side from 4<sup>th</sup> Street south to the entrance of the Mayo Clinic employee lot spaces: 107-50, 107-51, 107-52, 107-54, 107-55 and 107-56".</p>
D-23	Approving revisions to the Storm Water Management Development Agreement provisions.
D-24	Adopted Resolution No. 230-04 approving an Engineering Service Agreement with Bonestroo for the Preliminary Engineering Services for Project No. J-6520 "Regional Stormwater Facility, zr p 4.6, on an hourly basis not to exceed \$8,386.00.
D-25	Adopted Resolution No. 231-04 awarding the contract for Project No. J-4014 "Reconstruct Third Avenue N.W. from 31 <sup>st</sup> Street N.W. to Chalet Drive and Remedial Drainage Way Work" to Road Constructors, Inc. at a cost of \$343,382.81.
D-26	See at end of D items.
D-27	<p>Adopted Resolution No. 232-04 amending the "Comprehensive Traffic and Parking Resolution Book to add Paragraph 18 to Section J "Passenger and Commodity Loading Zones" as follows:</p> <p style="padding-left: 40px;">(18) George Gibbs Drive SW, from 315 feet to 360 feet, more or less, south of 7<sup>th</sup> Street SW, on the east side, adjacent to the storage building.</p>
D-28	Adopted Resolution No. 233-04 approving a City/Owner Contract with Payne Company and Jech Excavating, Inc. for Project No. J-5123 "Basic Construction in Century Hills Eighth Subdivision".
D-29	Adopted Resolution No. 234-04 approving a City/Owner Contract with Bamber Valley Development LLC and Griffin Construction Company LLP for Project No. J-5119 "Basic Construction in Bamber Valley Estates Second".
D-30	Adopted Resolution No. 235-04 approving the execution of Task Order No. 4 with CH2MHill for the final design of the Water Reclamation Plant Expansion and Upgrade Project Option 1 (J-4390) at a cost not to exceed \$4,800,000.
D-31	Adopted Resolution No. 236-04 authorizing the City Clerk to advertise for bids for Project No. J-4390 "Site Preparation Work for Water Reclamation Plant Expansion".

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D-32	Adopted Resolution No. 237-04 scheduling a public hearing on June 21, 2004 to consider the proposed charter amendment changing municipal special election procedures.
D-33	Adopted Resolution No. 238-04 approving the Orderly Annexation Agreement with Cascade Township and the annexation of 450 acres of land in Part of the South One-Half, Section 18, and a Part of the South One-Half, Section 19, located north of Valleyhigh Drive N.W. and west of 50 <sup>th</sup> Avenue N.W. by John Whitcomb and Wesley Investments.
D-34	Approved the On-sale Intoxicating Exclusive Liquor License to Troy Wing dba Winger's Billiards at 4208 Highway 52 North pending approval of requirements and instructed the City Attorney to prepare the required Ordinance for adoption allowing for eight additional Exclusive Liquor Licenses outside the downtown area.
D-35	<p>Approved making available eight additional On-Sale Intoxicating Liquor Licenses and instructed the City Attorney to prepare the required Ordinance for adoption.</p> <p>Ayes (7), Nays (0). Motion carried.</p>
D-3	<p>Councilmember Hanson asked that this be tabled until after an informational meeting with the neighborhood and staff can be held on this issue.</p> <p>Councilmembers Hanson moved, Marcoux seconded to continue the Cascade Lake and Bypass Channel Configuration and Professional Services Stream Restoration to the June 7, 2004 meeting. Ayes (7), Nays (0). Motion carried.</p>
D-4	See action in Item D-3.
D-26	<p>Richard Freese, Public Works Director stated the development agreement for this property has not been finalized so the public bid contract cannot be awarded at this time and asked that the Item be continued to May 24, 2004 so that the developer can finalize the execution of the Development Agreement.</p> <p>Councilmembers Hanson moved, McConnell seconded to table to May 24, 2004 at 4:15, Room 104. Ayes (7), Nays (0). Motion carried.</p>
E-1	<p>A Continued Hearing on Land Use Plan Amendment #03-07 by Mark Leitzen to designate property to commercial and industrial uses located south of the Southport Development, west of CR 1 and north of TH 52 S.</p> <p>The applicant asked that the hearing be tabled indefinitely.</p> <p>Councilmembers Nowicki moved, Marcoux seconded to table the hearing on Land Use Plan Amendment #03-07 by Mark Leitzen indefinitely. Ayes (7), Nays (0). Motion carried.</p>

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E-2	<p>A Continued Hearing on Zoning District Amendment #03-24 by Mark Leitzen to zone property to B-4 and M-1 located south of the Southport Development, west of CR 1 and north of TH 52 S.</p> <p>The applicant asked that the hearing be tabled indefinitely.</p> <p>Councilmembers Marcoux moved, Nowicki seconded to table the hearing on Zoning District Amendment #03-24 by Mark Leitzen indefinitely. Ayes (7), Nays (0). Motion carried.</p>
E-3	<p>A Continued Hearing on General Development Plan #221 by Mark Leitzen located south of the Southport Development, west of CR 1 and north of TH 52 S.</p> <p>The applicant asked that the hearing be tabled indefinitely.</p> <p>Councilmembers Stobaugh moved, Marcoux seconded to table the hearing on General Development Plan #221 by Mark Leitzen indefinitely. Ayes (7), Nays (0). Motion carried.</p>
E-4	<p>A Continued Hearing on Amendment to General Development Plan #136 by Quinstar to amend the southwesterly portion of the GDP located south of Pinewood Road and east of Co. Rd. 11 (11<sup>th</sup> Avenue S.E.) and north of US 52.</p> <p>The applicant asked that the hearing be tabled.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded to table the hearing on Amendment to General Development Plan #136 by Quinstar indefinitely. Ayes (7), Nays (0). Motion carried.</p>
E-5	<p>A Hearing on Preliminary Plat #04-09 to be known as Graham Woods by Fred Schmidt located along the south side of Eastwood Road SE, east of Grandview Memorial Gardens and west of Knollwood Drive SE.</p> <p>The applicant has requested that this item be continued to the June 7, 2004, meeting to allow time to complete the Substantial Land Alteration permit.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded to continue the hearing on Preliminary Plat #04-09 to be known as Graham Woods by Fred Schmidt to June 7, 2004. Ayes (7), Nays (0). Motion carried.</p>
E-6	<p>A Hearing on the JOBZ Business Subsidy Criteria.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Marcoux seconded to adopt Resolution No. 239-04 approving City of Rochester JOBZ Business Subsidy Criteria. Ayes (7), Nays (0). Motion carried.</p>

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E-7	<p>A Hearing on a Proposed Business Subsidy Agreement for Mayo Collaborative Services, Inc. (MCSI) under Minnesota Statutes, Sections 116J.993 through 116J.995.</p> <p>Wishing to be heard was Keith Laughman, President of Mayo Collaborative Service, Inc. (MCSI). Mr. Laughman explained many of the functions and services of company and asked for approval of business subsidy.</p> <p>Gary Neumann explained the way the JOBZ subsidy would work for the city's benefit and this is an ideal plan for the program.</p> <p>Wishing to be heard was Renata Young, Tax Director for Mayo Clinic Foundation stated that the Mayo Clinic pays approximately 11 million in property taxes for the City of Rochester.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Nowicki seconded to adopt Resolution 240-04 executing a JOBZ Business Subsidy Agreement with Mayo Collaborative Services, Inc. (MCSI). Ayes (7), Nays (0). Motion carried. Councilmember Stobaugh noted his affiliation with the Mayo Foundation.</p>
E-8	<p>A Hearing to Establish Development District No. 30, Adopt the Development Program, Establish Tax Increment Financing District No. 30-1, and Adopt a Tax Increment Financing Plan.</p> <p>Wishing to be heard was Dave Bell, Freedom Development, St. Cloud representing the applicant. He stated they were in agreement with development agreement for the project.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded to adopt Resolution No. 241-04 to establish Development District No. 30, adopt the Development Program, Establish Tax Increment Financing District No. 30-1, and adopt a Tax Increment Financing Plan for the Valley Side Estates Third single Family Housing. Ayes (7), Nays (0). Motion carried.</p>
E-9	<p>A Hearing on PUD Amendment #04-01 to amend the approved plan for the Miracle Mile Shopping Center for a Krispy Kreme Doughnuts to be located south of TGIF's Restaurant and north of the former Carson's store, east of TH52 and west of 16<sup>th</sup> Avenue NW.</p> <p>Wishing to be heard was Dennis Trisler, 9040 Tara Rudie Trail, Eden Prairie, MN representing the applicant. He stated they are in agreement with the five conditions. He stated they have met with the Kutzky Park Neighborhood Association and have complied with the majority of their concerns and modified their plan. An unsolved issue is the driveway onto 16<sup>th</sup> Ave. and the traffic</p>

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	<p>concerns. They have hired Yaggy Colby to do a study of the traffic and present a report next week.</p> <p>Wishing to be heard was Stephanie Kilen, 821 1<sup>st</sup> Street SW, President of the Kutzky Park Neighborhood Association. Ms. Kilen clarified why the neighborhood was interested in this development and this mostly dealt with the businesses in the peripheral of the residential area. With more business's coming to the downtown area, they have concerns about the pedestrian friendly development for the area and they will continue to work to keep this issue in the forefront as new development enters their area.</p> <p>Wishing to be heard was Andy Masterpole, 1242 2<sup>nd</sup> Street NW. Mr. Masterpole is concerned about this site being unavailable to pedestrian traffic because of the access being unsafe.</p> <p>Wishing to be heard was Barbara Depman, 1009 2<sup>nd</sup> Street NW. She stated she wanted the Council aware of the uniqueness of the neighborhood.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, Hanson seconded to adopt Resolution 242-04 approving PUD Amendment #04-01 to amend the approved plan for the Miracle Mile Shopping Center for a Krispy Kreme Doughnuts with five conditions. Ayes (7) Nays (0). Motion carried.</p>
E-10	<p>A Hearing on General Development Plan #237 to be known as Odland Property by Oak Crest Enterprises and James and Prudence Odland for property located north of the Stonehedge Development, south of 48<sup>th</sup> Street NE and Weih Subdivision and west of the Bakken property.</p> <p>Wishing to be heard was Dale Allan, Yaggy Colby Associates, stated they were in agreement with the conditions and was available for questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded to approve General Development Plan #237 to be known as Odland Property by Oak Crest Enterprises and James and Prudence Odland with ten conditions and instructed the city Attorney to prepare Findings of Facts, Conclusions of Law, and Order. Ayes, (7), Nays (0). Motion carried.</p>
E-11	<p>A Hearing on Type III, Phase II Special District amendment Final Site Development Plan #04-01 by THF-G Rochester Joint Venture to allow the construction of a Discount Tire Company on property located along the south side of 55<sup>th</sup> Street, east of the Merchants National Bank and west of the Affinity Plus Credit Union and the future Snappy Stop Restaurant.</p> <p>Wishing to be heard was Phillip Barren, Civil Engineer with Clark Engineering Corp. at 621 Lilac Dr N, Minneapolis, MN, representing the applicant. Mr. Barren stated</p>



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	<p>they were in agreement with the conditions and was available for any question. Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, McConnell seconded to adopt Resolution No. 243-04 Type III, Phase II Special District amendment Final Site Development Plan #04-01 by THF-G Rochester Joint Venture with three conditions. Ayes (7), Nays (0). Motion carried.</p>
E-12	<p>A Hearing on Zoning District Amendment #04-08 by Mark Klampe &amp; Harlan Morehart to amend the zoning from M-2 to the M-1 District on property located along the north side of 19<sup>th</sup> Street NW, west of 32<sup>nd</sup> Avenue NW and east of West Circle Drive.</p> <p>Wishing to be heard was Josh Johnson, McGhie and Betts representing the applicant. Mr. Johnson was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to approve Zoning District Amendment #04-08 by Mark Klampe &amp; Harlan Morehart and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p>
E-13	<p>A Hearing on Zoning District Amendment #04-07 by Fred Schmidt to rezone from the I to the R-1X district located along the north side of Eastwood Road SE, along the south side of the Frontage Road of TH 14 East and West of the 100 Acre Woods Development.</p> <p>Wishing to be heard was Cedric Schutz, Land Consultants Co. representing the applicants. Mr. Schutz stated they were in agreement with the conditions and was available for any questions.</p> <p>There was an issue of water pressure for the area in regards to a fire emergency but this can be addressed in the development agreement.</p> <p>Wishing to be heard was Duane Madsen, 2011 Eastwood Road SE. Mr. Madsen stated his only concern was a barrier that enhanced the area and helped keep out animals and people traffic through the development.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Stobaugh seconded, to approve Zoning District Amendment #04-07 by Fred Schmidt and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p>
E-14	<p>A Hearing on General Development Plan #235 to be known as Eastwood Heights located along the north side of Eastwood Road SE, along the south side of the Frontage Road of TH 14 East and West of the 100 Acre Woods Development.</p>

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E-15	<p>Wishing to be heard was Cedric Schutz, Land Consultants, Inc. representing the applicant. He stated they are working with the adjoining property owner regarding the zoning. The abandoned quarry at the top of the hill will be filled and leveled for safety purposes.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Stobaugh seconded, to approve General Development Plan #235 to be known as Eastwood Heights with nine conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p> <p>A Hearing on Type III, Phase I, Appeal #04-02 of the Rochester City Planning &amp; Zoning Commission approval on April 14, 2004 of Type II Conditional Use Permit #04-04 by Rochester Church of Christ to allow for the development of a semi-transient accommodation at 836 and 840 West Center Street.</p> <p>Wishing to be heard was Donald McMillon, 216 19<sup>TH</sup> Street NE. Mr. McMillon explained the project planned for the area.</p> <p>Wishing to be heard was Stephannie Kilen, 821 1<sup>st</sup> Street SW and president of the Kutzky Park Neighborhood Association. Ms. Kilen stated she can see the value of the proposed project but felt that there have been many exceptions to the zoning for the area and it is starting to affect the residential aspect of the neighborhood. She felt this project is in the heart of the neighborhood and is of a transient nature, which could cause instability in the future of the neighborhood. She felt this may cause a precedent for commercial in an intact neighborhood block. Alternatively she would like to see the council table this item to give time for the neighborhood association and the developer to work on design modifications to soften the commercial appearance of the building. Another point she wanted to make was how do you stop more commercial development in a residential zone if a precedent has been set with this project.</p> <p>Wishing to be heard was Mr. Glenn Faith, 1004 1<sup>st</sup> Street NW and Vice-president of the Kutzky Neighborhood Association. Mr. Faith distributed information from the RCO on Conditional Use Permits, Standards for a CUP and R-3 Zoning. He brought attention to the size of the proposed building being larger than the standards allow for the R-3 zoning. He stated this would be the fourth incursion into the land use plan. The others being the Marriott Courtyard, the Spring Hills, and Staybridge Hotels. He felt the project does not comply with the zoning ordinance criteria and is unacceptable for the center of the neighborhood.</p> <p>Wishing to be heard was Andy Masterpole, 1242 2<sup>nd</sup> Street NW. Mr. Masterpole stated that the area is saturated with group homes. He also expressed that this structure will be in the core of the neighborhood and it should comply aesthetically with the surrounding area.</p> <p>Wishing to be heard was Lonnie Heimer, 902 1<sup>st</sup> Street SW. She feels the</p>

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E-16	<p>neighborhood is saturated with transient living complexes and the single family residential neighborhood is dwindling. Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmember Marcoux moved, Stobaugh seconded to reverse the decision of the Planning Commission on the Type III, Phase I #04-02 Conditional Use Permit by Rochester Church of Christ because it did not fit the criteria of the number two condition for zoning requirements and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p> <p>A Hearing on Final Plat #03-47 by Leslie A. Lurken to be known as North Park Fifteenth Subdivision located east of 50<sup>th</sup> Avenue NW, south of Somersby Court NW and east of Summit Point Third and North Park Tenth Subdivision and allows for the continuation of Portsmouth Drive NW.</p> <p>Wishing to be heard was Josh Johnson, McGhie &amp; Betts representing the applicant. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Wishing to be heard was Don Glascock, 5975 Portsmouth Drive NW. He is concerned about the increase in traffic and speed control.</p> <p>Richard Freese, Public Works Director, stated that staff is looking at the traffic and speed control issues for the entire area and is working with the neighborhood and police traffic division.</p> <p>Wishing to be heard was Josh Johnson, 1621 White Pine Drive NW. Mr Johnson expressed his appreciation to David Kramer for the addition of traffic control signs in the North Park area.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmember McConnell moved, Nowicki seconded, to adopt Resolution No. 244-04 approving Final Plat #03-47 by Leslie A. Lurken to be known as North Park Fifteenth Subdivision with seven conditions. Ayes (7), nays (0). Motion carried.</p>
E-17	<p>A Hearing on Final Plat #04-15 by Todd Ustby to be known as Viola Hills Townhomes CIC #250 located north of Viola Road NE, west of Lisa Lane NE, and east of Schaeffer Lane NE.</p> <p>Wishing to be heard was Ron Lee, 122 Cheval Lane NE. His concern was the water system for the area. Staff stated it is a public watermain system with a loop system and will contact Mr. Lee with more information.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded, to adopt Resolution No. 245-04 approving Final Plat #04-15 by Todd Ustby to be known as Viola Hills</p>

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E-18	<p>Townhomes CIC #250 with five conditions. Ayes (7), Nays (0). Motion carried.</p> <p>A Hearing on Final Plat #04-12 by 37 Northwest, Inc. to be known as 37 Northwest Replat located south of 37<sup>th</sup> Street NW and north/east of West River Parkway and includes the lot on which the former K-Mart is located.</p> <p>Wishing to be heard was Josh Johnson, McGhie and Betts, representing the developer. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Means moved, Nowicki seconded to adopt Resolution No. 246-04 approving Final Plat #04-12 by 37 Northwest, Inc. to be known as 37 Northwest Replat with five conditions. Ayes (7), Nays (0). Motion carried.</p>
E-19	<p>A Hearing on Final Plat #04-17 to be known as Fairway Ridge Second by Silvercrest Properties, LLC located along the east side of West Circle Drive, south of County Club Road and north of the FoxCroft Development.</p> <p>Wishing to be heard was Josh Johnson, McGhie and Betts, representing the developer. He stated they were in agreement with the conditions and was available for any questions.</p> <p>Councilmembers Hanson moved, Marcoux seconded to adopt Resolution No. 247-04 approving Final Plat #04-17 to be known as Fairway Ridge Second by Silvercrest Properties, LLC with four conditions. Ayes (7), Nays (0). Motion carried.</p>
E-20	<p>A Hearing on Final Plat #04-18 to be known as Radichel Third Subdivision by David Boyd on property located along the north side of 9<sup>th</sup> Street NW and east of 37<sup>th</sup> Avenue NW.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, Hanson seconded to adopt Resolution No. 248-04 approving Final Plat #04-18 to be known as Radichel Third Subdivision by David Boyd with four conditions. Ayes (7), Nays (0). Motion carried.</p> <p>(The mylar recorded in the County Recorder's Office shows the plat as RADICHEL THIRD REPLAT. The resolution reflects the same.)</p>
E-21	<p>A Hearing on Vacation Petition #04-04 by McDonald Corporation, Courtesy Corporation, S. Gruszynski, P. Sexton, L. Thorie, Robnik LLP to vacate the alley located east of North Broadway, south of 12<sup>th</sup> Street NE, west of First Avenue NE, and north of 11<sup>th</sup> Street NE.</p>

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Agenda Item	
	<p>Wishing to be heard was Ross Yescheck, McDonalds Corp. Mr. Yescheck stated they concur with option #2 and agree to the three conditions and was available for any questions.</p> <p>Wishing to be heard was Leona Hansen, 20 11<sup>th</sup> Street NE. She would like to see a condition to the vacation that there would be no drive-through approach to the business on 11<sup>th</sup> Street NE. She was assured that this was taken care of in the GDP at an earlier meeting.</p> <p>Wishing to be heard was John Fish, 7530 30<sup>th</sup> Street SE, owner of the Gingerbread House adjacent to McDonalds. He uses the alley for deliveries and has employees working round the clock and is concerned about traffic during these times. He would like to have a fence.</p> <p>Wishing to be heard was Rick Loman, Courtesy Corporation. He stated he is willing to work with Mr. Fish to resolve this issue so both parties are in agreement. Both agreed to a 20' fence with curb for protection.</p> <p>Wishing to be heard was Lorren Fabien, 20 12<sup>th</sup> St NE. His concern is this business is very close to his home and he would like a taller fence to give him more privacy and protection. This issue was addressed in the GDP.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded, to adopt Resolution No. 249-04 approving Vacation Petition #04-04 by McDonald Corporation, Courtesy Corporation, S. Gruszynski, P. Sexton, L. Thorie, Robnik LLP option #2 with three conditions. Ayes (7), Nays (0). Motion carried.</p>
F-1	<p>Councilmembers Stobaugh moved, Marcoux seconded, to adopt Resolution No. 250-04 approving the execution of a Development Assistance Agreement with Lumber One, Avon Inc. for the Valley Side Estates Third Subdivision (#30-1) Tax Increment Financing Project. Ayes (7), Nays (0). Motion carried.</p>
G-2a	<p>An Ordinance Amending and Reenacting Subdivision 2 of Section 125A.05 of the Rochester Code of Ordinances, Relating to the Maximum Number of Intoxicating Liquor/On-Sale Exclusive Liquor Store Licenses was given a first reading.</p> <p>Councilmembers Marcoux moved, Stobaugh seconded, to suspend the rules and give the Ordinance a second reading. Ayes (7), Nays (0). Motion carried. The Ordinance was given a second reading. Councilmembers Hanson moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried.</p>
G-2b	<p>An Ordinance Rezoning Approximately 4.37 Acre of Property from the M-2 Zoning District to the M-1 Zoning district, and Amending Ordinance No.2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota was given a first reading. (Amendment #04-08)</p>

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL  
CITY OF ROCHESTER, MINNESOTA  
Regular Adjourned Meeting No. 11 May 19, 2004

7075

Agenda Item	
	<p>Councilmembers Hanson moved, Marcoux seconded, to suspend the rules and give the Ordinance a second reading. Ayes (7), Nays (0). Motion carried. The Ordinance was given a second reading. Councilmembers Marcoux moved, McConnell seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried.</p>
G-2c	<p>An Ordinance Rezoning Approximately 11.07 Acres of Property from the I Zoning District to the R-1X Zoning district and 2.47 Acres of Property from the I Zoning district to the B-4 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota was given a first reading. (Amendment #04-07)</p>
G-2d	<p>An Ordinance Amending and Reenacting Section 64E.400 of the Rochester Code of Ordinances Relating to the Exhibits for the Fox Knob Special District, was given a first reading. (GDP #114)</p>
G-3a	<p>An Ordinance Amending and Reenacting Subdivision 5 of Section 64F.400 of the Rochester Code of Ordinances, Relating to Sign Regulations for the Historic Campus Special District, was given a second reading. Councilmembers moved, seconded, to adopt the Ordinance as read. Ayes (6), Nays (0) Abstain: President Hunziker. Motion carried. (Amend to Text of Special District Ordinance for Historic Campus Special District #5)</p>
J-1	<p>Having no further business, Councilmembers Stobaugh moved, Means seconded, to recess the meeting to May 24, 2004 at 4:15 P.M. Ayes (7), Nays (0).</p>

  
Deputy City Clerk